

REMARKS

The claims were amended in accordance with the amendments above. The amendments to the claims are being made merely to clarify the invention. All of the amendments are fully supported by the specification, claims, and figures as originally filed. No new matter is believed or intended to be involved.

The applicants appreciate the courtesies extended during the telephonic interview with the Examiner on April 7, 2009 ("Interview"). The claims were amended as discussed in the Interview. The applicants appreciate the Examiner's indication during the Interview that the present amendments appeared to overcome the rejections in the pending Office Action. The applicants acknowledge that the Examiner reserved the right to update or supplement his search.

§112 Rejections

In the Office Action dated 02/05/2009 ("Office Action"), claims 1, 2, 13, 17, 22, and 24 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter "a combination thereof." The Office argued that it is unclear what the limitation, "a combination thereof," refers to in all the claims.

Regarding claims 13, 22 and 24, those claims have been canceled, making their rejection under 35 U.S.C. § 112 ¶ 2 moot.¹

Regarding claims 1, 2 and 17, support for the term "a combination thereof" in those claims can be found in at least paragraph [0032] of the specification, which states that "information [related to a response] may be aggregated together or used alone to evaluate the performance of a particular response system or the overall response center." Claims 1 and 17 respectively recite the phrase a response system, a categorized response, an identifier, or a combination thereof. Among other things, the phrase combination thereof may include information that may otherwise relate to a response system, a categorized response, and/or an identifier for example where the information is "aggregated together or used alone" for evaluating the performance of a response system and/or a response system. The same

¹ The applicants do not concede that claims 13, 22 and 24 were properly rejected. Those claims have been canceled to expedite the allowance of the remaining claims. The applicants expressly reserve the right to pursue the subject matter of claims 13, 22 and 24 in the future.

approach may be used to interpret claim 2 which recites “the group consisting of response identifiers, system identifiers... and a combination thereof.” Among other things, support for this language in claim 2 may also be found in paragraph [0032] of the specification that states “information [related to a response] may be aggregated together or used alone to evaluate the performance of a particular response system or the overall response center.” Accordingly, applicants request that the rejections of claims 1, 2, and 17 under §112 be withdrawn.

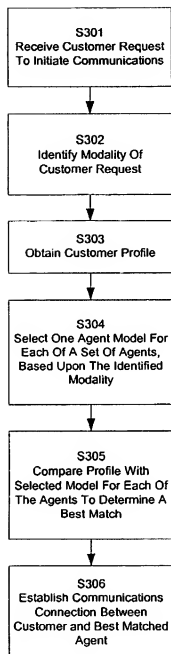
The Office further rejected claim 22 under 35 U.S.C. 112 stating that there was insufficient antecedent basis for the language “the business people” and “the handling” in claim 22. Claim 22 has been canceled and therefore the Examiner’s rejection is now moot. Similarly, the Office further rejected claim 24 under 35 U.S.C. 112 stating that there was insufficient antecedent basis for the language “the handling”. Claim 24 has been canceled and therefore the Examiner’s rejection is now moot.

§102 Rejections

Claims 1-13, 16-18, and 20-24 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent 7,027,586 (Bushey). Under MPEP 2131, a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. The identical invention must be shown in as complete detail as is contained in the claim. In addition, the elements in the prior art reference must be arranged as required by the claim. MPEP 2131 (emphasis added).

Bushey fails to disclose at least the following features recited in some of the present independent claims: “categorized responses”, “identifiers”, generating an interactive report, a means for generating a recommendation. Instead, according to its abstract, Bushey discloses the following:

“A method for intelligently routing customer communications to an agent [that] includes receiving a customer’s request to initiate communications. A modality of the request communications is identified and a profile of the customer is obtained. An agent model is generated for each modality supported by each agent. An agent model is selected from a set of agent models for each of a set of agents, based upon the identified modality. The profile of the customer is compared with the selected model for each of the set of agents to determine a best match. A communications connection is established between the customer and the best matched agent.



To illustrate, the flow diagram of figure 3 of Bushey, which shows a method for routing communications between a customer and a best-matched agent using an intelligent routing system as disclosed in Bushey is set forth above. As evident from the abstract and FIG. 3 of Bushey, that reference is directed towards a method for routing customer communications to an agent. Bushey describes that the modality of the requested communication is identified and a profile for the customer is obtained. After the modality of the request communications is identified, an agent model is generated for each modality. An

agent model is later selected from a set of agents based on the identified modality. The profile of the customer is compared with the selected model for each of the set of agents to determine a best match. After determining a best match, a communications connection is established between the customer and the best matched agent.

The pending independent claims each include limitations which are not taught or suggested in Bushey.² For example, in claim 1 has been amended to recite a

means for generating a recommendation based on the report, wherein the recommendation is selected from the group consisting of change a business process, change a specified response system, send this type of transaction to a specified response system, enhance a handling of a customer contact, automate the response to the customer, do not change the business process, and any recommendation related thereto.

As agreed during the Interview, those limitations are not taught or suggested in Bushey. Similarly, claim 17 recites

a report generator configured to generate a report based on the data analyzed by the analysis database, wherein the report comprises at least one recommendation regarding at least one response system, wherein the at least one recommendation is selected from the group consisting of change a business process, change a response system, send this type of transaction to a specified response system, enhance a handling of a customer contact, automate the response to the customer, do not change the business process, and any recommendation related thereto.

While the rejection of claim 17 cited Fig. 2, 280 and column 9, line 42 – column 10, line 11 of Bushey as disclosing a report generator as recited in claim 17, those passages disclose only a routing processor that processes the routing of the customer's request to an agent, and a timer that tracks how long the customer has been waiting after making a request. As agreed during the Interview, neither that disclosure, nor any other portion of Bushey, teaches or suggests

wherein the at least one recommendation is selected from the group consisting of change a business process, change a response system, send this type of transaction to a specified response system, enhance a handling of a customer contact, automate the response to the customer, do not change the business process, and any recommendation related thereto.

² As claims 1 and 17 were the only claims where the applicants were able to reach an agreement with the Examiner during the Interview, only those claims (and their dependent claims) are addressed in the text. Claim 13, the other independent claim, has been canceled to facilitate allowance of the remaining claims. The applicants do not concede that claim 13 was properly rejected over Bushey, and expressly reserve the right to pursue the subject matter of that claim in the future.

Accordingly, the applicants respectfully request that the rejections of claims 1 and 17, as well as the claims which depend therefrom, be reconsidered and withdrawn, and that those claims be allowed in their current form.

Conclusion

While several distinctions have been noted over the art of record, the applicants note that there are several other limitations recited in the present claims which are neither taught nor suggested by the art of record. The applicants expressly reserve all rights and arguments with respect to distinctions not explicitly noted herein. In addition, to the extent that the amendments constitute a narrowing of the claims, such narrowing of the claims should not be construed as an admission as to the merits of the prior rejections. Indeed, the applicants traverse the rejections and preserve all rights and arguments. To the extent that any particular statement or argument by the Office in the pending Office Action has not been explicitly addressed herein, the same should not be construed as an acquiescence or admission by the applicants that such statements or arguments by the Office are accurate or proper.

Based on the foregoing, all pending claims are in a condition for allowance. Accordingly, the applicants respectfully request reconsideration and an early notice of allowance. Should the Examiner wish to discuss the amendments or arguments made herein, the applicants invite the Examiner to contact the undersigned at (614) 559-7238 or via e-mail at ahahn@fbtlaw.com.

The Commissioner for Patents is hereby authorized to charge any deficiency or credit any overpayment of fees to Frost Brown Todd LLC Deposit Account No. 06-2226.

Respectfully submitted,

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